

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROCKLAND VENDING CORP., KENNETH
GALLAGHER,

Plaintiffs,

-against-

ROXANNE CREEN, sued in her individual capacity,
MARSHA F. RILEY, sued in her individual capacity,
STEWART KIDDER, sued in his individual capacity,

Defendants.

NOTICE OF MOTION

07 CV 6268 (KMK)(MDF)

(Electronically Filed)

TO: Michael H. Sussman
Sussman & Watkins
40 Park Place
Goshen, New York 10924

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Rule 56.1 Statement, Affirmation of Daniel Schulze, with exhibits thereto, and the Affidavit of Michael Freed previously filed by plaintiffs in this action, with exhibits thereto, defendants Roxann Creen, Marsha F. Riley, and Stewart Kidder, by their attorney Andrew M. Cuomo, Attorney General of the State of New York, hereby move for an order pursuant to FRCP 56 dismissing all claims in the action.

Pursuant to the schedule set by the Court and the agreement of the parties, any opposing affidavits and answering memoranda must be served on or before May 1, 2008. Oral argument, if requested by the Court, shall be on a date and at a time designated by the Court.

Dated: New York, New York
April 10, 2008

ANDREW M. CUOMO
Attorney General of the State of New York
Attorney for Defendants
By:

_____/s/_____
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